

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

**DAVID A. CARRERO SANTANA, et
als**

Plaintiffs

v.

**HOSPITAL MATILDE BRENES INC.
d/b/a HOSPITAL MATILDE BRENES,
et als**

Defendants

CIVIL NO. 97-1912 (PG)

PLAINTIFFS DEMAND TRIAL
BY JURY

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U.S. DISTRICT COURT
SAN JUAN P.R.

JUDGEMENT

THE PARTIES have submitted to the Court their Settlement-Release Agreement of all plaintiffs' claims and/or causes of action against defendants. Also, plaintiffs have submitted the sworn statements of Mr. David Carrero and of Mrs. Carmen Milagros Mercado Méndez, parents of the deceased Irmari Carrero Mercado as well as the parents of their minor children: Michelle E. Carrero Mercado of 18 years of age; Yomarilis Carrero Mercado, of 15 years of age; David A. Carrero Mercado, of 14 years of age and Francisco E. Carrero Mercado of 13 years of age.

The defendants, Hospital Matilde Brenes, Inc., Dr. Enrique Vázquez Olivo, Dr. Ramón L. López Acosta and their respective insurers agreed to pay plaintiffs the global sum of FOUR HUNDRED AND FIFTY THOUSAND DOLLARS (\$450,000.00) in consideration of plaintiffs' releases of all claims, whether pleaded or not arising out of

the facts object of the complaint. The terms and conditions of the Settlement and Release are hereby adopted and made to form part hereof as if fully transcribed herein.

The above stated global sum has been apportioned as follows: One Hundred Thousand dollars (\$100,000.00) for the minors less Twenty Five Thousand dollars (\$25,000.00) for attorney fees, equivalent to the twenty-five percent (25%) established by law. Provided, that counsel for plaintiffs will not charge the minors for any expenses incurred on their behalf.

The remaining sum of Three Hundred Fifty Thousand dollars (\$350,000.00) to be apportioned among the parents and grandparents of the deceased as follows: David Carrero, One Hundred Fifty Thousand dollars (\$150,000.00); Carmen Milagros Mercado Méndez, One Hundred Eighty Thousand dollars (\$180,000.00); Julio Mercado Reyes, Ten Thousand dollars (\$10,000.00); Irma Méndez, Ten Thousand dollars (\$10,000.00).

Having examined the documents submitted and conferred with counsel for plaintiffs and counsel for defendants, the Court approves the settlement of the instant case and its distribution amongst plaintiffs as beneficial to same.

Accordingly, it is hereby adjudged, ordered and decreed that:

1. The Settlement and Release Agreement entered and subscribed by the parties is approved.

2. Defendants shall deposit forthwith with the Clerk the sum of Seventy-Five Thousand dollars (\$75,000.00) on behalf of the following minors and in the corresponding equal amounts, to be deposited in interest-bearing accounts until each one is of legal age unless otherwise ordered by the Court for good-cause shown:

a. Michelle E. Carrero Mercado, ss 583-85-1973.....\$18,750.00

- b) Yomarilis Carrero Mercado, ss 597-03-3172.....\$18,750.00
- c) David A. Carrero Mercado, ss 597-03-4561.....\$18,750.00
- d) Francisco E. Carrero Mercado, ss 597-12-1905.....\$18,750.00

3. Defendants shall deliver forthwith to counsel for plaintiff a check in the sum of \$25,000.00 in full payment and satisfaction of their legal fees and expenses corresponding to the above sum paid to the minors.

4. Defendants shall deliver forthwith to counsel for plaintiffs a check in the sum of Three Hundred Fifty Thousand dollars (\$350,000.00) payable to the order of David A. Carrero, Carmen Milagros Mercado, Julio Mercado Reyes, Irma Méndez and Moreda & Moreda.

Judgement is hereby entered without cost or attorneys fees.

In San Juan, Puerto Rico, this 20th day of June, 2000.



JUAN M. PEREZ GIMENEZ
U.S. DISTRICT JUDGE